

SHAW KELLER

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VIA CM/ECF & HAND DELIVERY

The Honorable Christopher J. Burke
J. Caleb Boggs Federal Building
844 N. King Street, Unit 28, Room 2325
Wilmington, DE 19801-3555

RE: *National Steel Car Limited v. FreightCar America, Inc.*, C.A. No. 24-594

Dear Judge Burke:

Plaintiff National Steel Car Limited (“NSC”) writes to request the scheduling of a discovery teleconference to address discovery disputes with Defendants FreightCar America, Inc., FreightCar America, Inc., FreightCar North America, LLC, JAC Operations, Inc., and FCA-FASEMEX, LLC’s (“FreightCar”).¹

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer on the following date(s): February 20, 2025; February 21, 2025; February 24, 2025; February 26, 2025; February 27, 2025; April 11, 2025; May 1, 2025; July 10, 2025; and July 24, 2025.

Delaware Counsel: Andrew Russell (NSC), Jack Phillips and/or David Bilson (FreightCar)

Lead Counsel: Ken Sheehan, Robert Keeler and/or Kevin Adams (NSC), Brian Horne and/or Justin Gillett (FreightCar)

The disputes requiring judicial attention are listed below:

- NSC’s motion to compel FreightCar to produce CAD files and information from systems for managing CAD files (“PDM Systems”) regarding the process of

¹ Counsel for NSC requested that counsel for FreightCar join this letter so that it could be filed jointly and include any issues FreightCar may want to raise. Counsel for FreightCar instead requested an additional, tenth meet-and-confer related to these topics, but NSC does not believe a tenth meet-and-confer would be productive. NSC’s discovery disputes focus primarily on materials that FreightCar either (1) has committed to producing but has failed to do so for months, or (2) has stated that it would not produce, which NSC has asked FreightCar to reconsider, but it has not.

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designing the Accused Products, responsive to NSC's Request for Production Nos. 1, 14, 17, and 66.

- NSC's motion to compel FreightCar to produce documents it has committed to produce since February but has not produced. NSC's RFP Nos. 2, 3, 6, 7, 15, 16, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 30, 35, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 60, 62, 63, 64, and 67.
- NSC's motion to compel FreightCar to produce documents it refuses to produce. NSC RFP Nos. 9, 12, 25, 29, 32, 33, 36, 37, 38, 39, 43, 50, 55, 57, 58, and 61.
- NSC's motion to compel FreightCar to supplement interrogatories it refuses to supplement. NSC Interrogatory Nos. 1, 7, 9, 12, and 15.

Respectfully submitted,

/s/ Andrew E. Russell

Andrew E. Russell (No. 5382)

cc: Clerk of Court (by CM/ECF & Hand Delivery)
All Counsel of Record (by CM/ECF & Email)